HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition (s) No. 238 of 2002

Petitioner		Devi Singh, S/o. Chaitu Bhatra, R/o. Near Kali Mandir, Hatkachora, Beside Jahaj Bhata, Jagdalpur, P.O. Jagdalpur, Distt. Bastar (C.G.)
	Versus	
Respondents	1.	The Divisional Manager, M.P. Rajaya Van Vikas Nigam, Kondagaon
	2.	The Regional Manager, M.P. Rajya Van Vikas Nigam, Raipur (C.G.)
	3.	The Divisional Manager, Saw Mill Jagdalpur, Distt. Bastar (C.G.)
	4.	The Presiding Officer, Labour Court, Jagdalpur, Distt. Bastar (Chhattisgarh)

SB : Hon'ble Justice Shri Satish K. Agnihotri

Present: Mr. Prafull Bharat, Advocate for the petitioner.
Mr. B.D. Guru, Advocate for the respondents No. 1 to 3.

ORDER

(Passed on this 2nd day of May, 2007)

1. This petition is filed by an employee who was appointed on daily wages basis and continued for a period of 21 years. Engagement of the petitioner was discontinued on the ground that the project in which the petitioner was engaged on daily wages basis, has come to an end pursuant to the policy decision of the State Government to close all Saw Mills run by the Madhya Pradesh Van Vikas Nigam in tribal areas.

2. Being aggrieved, the petitioner raised a dispute which was referred to the Presiding Officer, Labour Court, Jagdalpur, Bastar and registered as Case No. 5/I.D. Act /Reference/99. The learned Presiding Officer, after having heard, held that since the Saw Mill at Jagdalpur, wherein the petitioner was appointed on daily wages basis, has been closed, pursuant to the policy decision of the State Government, the

respondents cannot be directed to reinstate the petitioner in service. However, since the retrenchment compensation was not paid to him, the respondents were directed to pay the retrenchment compensation or three months salary in lieu of notice.

3. Being aggrieved, the petitioner has filed this petition impugning the order dated 31.7.2001 (Annexure P/3) passed by the Labour Court, Jagdalpur, Bastar.

4. It is well settled principle of law that if a person is appointed in a particular project and due to the closure of the project, the services of the said employee has been discontinued, the petitioner has no right to reinstatement, as the project itself has been closed.

5. In the present case, admittedly, the petitioner was appointed on daily wages basis in the Saw Mill at Jagdalpur. The State Government took a policy decision to run all Saw Mills in tribal areas. Accordingly, the petitioner was appointed on daily wages basis to work in Saw Mill. With the change of the policy decision of the State Government, the said Saw Mill was closed. The petitioner has no right to reinstatement in closed Saw Mill, wherein he was appointed as daily wages basis. Even otherwise, it is well settled by a catena of decisions by Hon'ble the Supreme Court that an employee appointed not in accordance with law and de-hors the constitutional scheme of employment has no right to reinstatement, continuation or regularization in service. Looking from all angles, there is no infirmity or illegality or jurisdictional error in the impugned order passed by the Labour Court.

6. As a result, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

B/-